

Buxar (I) P.S. 144 of 2022- G.R. 1907 of 2022

09.12.2023 The record is put up before the bench in view of section 19(i)(b) of L.S. Act of accused namely **Gulzar Yadav**. It is seen that the instant case has not been referred by the court where the case was pending but the same has been called for in view of Pre Lok Adalat sitting with the one of the parties. One of the parties who happens to be the accused of the instant case is not present before the court. The representative (S.D.O. Electricity) gave its consent to dispose of the instant case since, the compensatory amount and compoundable fees has already been deposited by the other side. Here, it would be pertinent here to mention the offence punishable U/S 135 and 138 of Electricity Act is compoundable within the meaning of Section 152 of the Act as held by Hon'ble Supreme Court in Suresh Ganpati Halvankar V/s State of Maharashtra and others. It is also settled law that the Lok Adalat has no adjudicatory or judicial functions. The function of the Lok Adalat determines any case as referred to him. On the basis of compromise between the parties at its instance and the Lok Adalat put its seal of confirmation by making an award in terms of the compromise or settlement.

Now coming to the case put up before the bench, it is evident that the other parties have already deposited the compensatory amount and compounding fee. The fact of depositing the compounding fee before the Electricity Authority, is itself indicate that the other party gave their consent compounding the offence punishable U/s 135 and 138. By depositing the compounding fee, the other party wanted to settle the matter with the Electricity Department except the fact that no formal petition for compromise was filed. Had the other party been not settled the matter with the electricity Department, he would not have paid the compounding fee. There is no guidance in the act itself as to whether the compounding can be done at the instance of the complaint nor the accused persons were willing to compound the offence since inception and that is why the accused deposited the compounding fees. If the complainant is willing the settle the matter by way of compounding, it

hardly makes any difference with respect to absence of the accused. The bench is also of the view that this practice would result in encouraging the compounding the offence under Electricity Act and it would have the valuable time of the court. The bench considers it appropriate to close the case keeping in view of the fact of deemed consent by the other side by virtue of depositing the compounding fee which tantamount to give their consent for the purpose of compounding the offence. Accordingly the proceeding against the accused named above is **hereby dropped**. Let an award be prepared having signature of only one party who launched the prosecution against the other party. Accordingly the case is hereby disposed off.

Concerned office clerk is hereby directed to deposit the case recored in record room accordingly.

Sd/-

Adv. Member

N.L.A.

Sd/-

Judicial Member

N.L.A.

